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VOL. XXXVII, NO. 6471.

HONOLULU, HAWAII TERRITORY, TUESDAY, MAY 5, 1903.

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BIG BUSINESS ON BUDGET BILLS IN BOTH BRANCHES

The Senate Does Fine Work and One Measure Is Sent to Other House.

Plan for Loan Bill Calls for Division of Monies After Territorial Improvements by Districts.

The principal work of the Legislature yesterday was the agreement on the division of the surplus sums to be included in the Loan Appropriation bill. According to the resolution passed there will be set aside certain sums for each senatorial district and the members of both houses will be constituted committees for the purpose of dividing up the cash.

The unpaid bills measure went through the Senate and the House put it past one stage, while other measures were introduced and sent along the road. From the progress made it would seem probable that there would be no time lost. Speaker Beckley made the remark to the House that the re-printing of measures which were prepared and printed at the regular session, would not be countenanced, thus indicating that there will be no great wasting of public moneys.

IN THE HOUSE.

The search for missing resolutions was the first order the Speaker announcing to the members of the House that the clerk could not find all those presented during the regular session.

The communication of the judges, with reference to clerks, bailiffs and other employees, as read in the Senate, was submitted and ordered to be spread on the journal.

The House received the Senate concurrent resolution referring to the Loan bill and on motion of Kumalae the resolution was laid on the table to be considered with the Loan bill.

The Senate expense bill, carrying \$5,000, was read a first time by title and passed.

RESOLUTIONS INTRODUCED.

Kupihua opened the resolution grist with a declaration that the sum of \$75,000 be appropriated to purchase right of way and construct a road from School and Liliha streets to Kamehameha IV road. The resolution was laid on the table for consideration later.

Paele asked \$26,500 for the Pali road and Nuuanu street, to be divided as follows, each being tabled for consideration with appropriation bills: Repairs general, \$3,000; repairs to Wyllie street, \$10,000; from Wyllie street to the sea, \$13,500; \$2,000 repairs Puunui road; \$2,250, Wyllie street; also \$13,900 for roads, Koolau-poko, \$4,500 repairs, \$3,000 new culverts, \$4,000 road machine, \$500 road roller, \$2,500 repairs bridges.

Kupihua also asked \$3,000 for lighting King street to Moanalua, as well as the Kalia streets. The Speaker declared there was no use in presenting resolutions which had been placed before the regular session.

BASIS OF APPROPRIATIONS.

The special committee on conference as to the order of appropriation bills to be considered reported the list as decided upon and announced. Harris took exception to the plan proposed of distributing loan appropriations on tax returns, suggesting that the assessed valuations be substituted as the basis.

This precipitated a long discussion. Harris' proposal appealing to some of the outside counties, but the only appreciable result was the refusal to adopt the committee's report, and its being referred back to the conference committee with instructions to meet

immediately, after which the House took a recess to 2 p. m.

Immediately upon the reassembling of the House the bill appropriating \$20,000 for session expenses was passed second reading.

E. Van Sunden, by Hackfeld & Co., petitioned the Legislature for an appropriation of \$1210 to reimburse him for payment made for a lot of ground, in Nuuanu Valley, purchased by him when he was not aware of the restrictions against sales to aliens. The claim was referred to a special committee composed of Messrs. Harris, Long and Kellinoh.

MORE MONEY FOR PRINTING.

Secretary Carter notified the House that he would be unable to print all the laws passed by the Legislature and the appropriation bills to be passed by the extra session, with the small balance still in his hands, and he therefore requested an additional appropriation of \$1,000.

The Senate informed the House that the Senate had adopted the report of the special committee on order of introduction of appropriation bills, and that the unpaid bills appropriation had been passed. The latter was at once passed by the House on first reading.

The conference committee then reported the matter of the order of bills being the same, but the provision for apportioning loan amounts being changed so that the counties shall have sums distributed on the basis of the taxable property in each.

Harris moved to adopt but Chairman Fernandez of the Printing Committee moved that the report first be printed for the information of the members, which was lost and the report adopted; ayes, 18; noes, 7.

BILLS ARE ADVANCED.

The committee then introduced the Loan appropriation bill and the six months current account bills, both of which passed first reading. The current expenses bill was then made the order of the day, as the bill has been printed already. Paele took exception to this course saying that this House had no knowledge of what the last session had done.

Speaker Beckley said that would be a misuse of public money, and no matter what the Senate might do the House would not countenance such waste.

Speaker Beckley asked if any member (Continued on page 3.)

VALIDITY OF THE ENTIRE COUNTY ACT THREATENED

The Powers of the Board of Public Institutions Directly Contravene the Provisions of the Organic Law of the Territory.

Supt. H. E. Cooper yesterday submitted to Governor Dole a letter defining his reasons for holding the County law to be illegal and contrary to the Organic Act. The Board of Public Institutions held a meeting yesterday and Secretary Carter was instructed to send a letter to Supt. Cooper requesting him to turn over the wharves, docks, and the Executive and Judiciary Buildings. A similar letter was sent to the Board of Health requesting formal possession of the Insane Asylum. At the same time the officers now in charge of these institutions, buildings and wharves are asked to remain in charge until further notice.

The next step will be a refusal by Supt. Cooper to surrender possession of the property in charge and a submission of the points of differences to the Justices of the Supreme Court. It was stated in the Senate yesterday that there would be a decision as to the legality of the County Act before the present session of the legislature ends.

SUPT. COOPER'S LETTER.

Honolulu, May 4, 1903.
To His Excellency, Sanford B. Dole, Governor of Hawaii.

Sir:—From a brief study of the County Act, which has just been published, it occurs to me that there are many questions somewhat difficult of a satisfactory legal determination, without a decision of the Supreme Court of the Territory, and believing it to be for the best interests of the people that these questions should be decided at an early day, I submit herewith my views upon the subject.

The Organic Act established a Government for the Territory of Hawaii, consisting of the Legislative, Executive and Judicial Branches, defining the duties, powers and responsibilities of each.

The Legislature of the Territory has no power to modify or change the form of Government established by Congress. It has the right in several instances to modify the duties of officers. The executive powers of the Government are vested in the Governor, who is appointed by the President, by and with the advice and consent of the Senate of the United States.

Other officers who are assigned to duties as members of the Executive Branch of the Government, are the Secretary of the Territory, Attorney General, Treasurer, Commissioner of Public Lands, Commissioner of Agriculture and Forestry, Superintendent of Public Works, Superintendent of Public Instruction, Auditor, Deputy

Auditor, Surveyor, High Sheriff, and members of Public Boards, and other officers as designated by the Laws of the Territory of Hawaii.

The duties of the Superintendent of Public Works are enumerated in Section 75 of the Organic Act. The duties therein mentioned are subject to modification, but his office, however, cannot be abolished by the Territorial Legislature.

By the passage of the County Act, the Legislature has made a change in the form of Government of the Territory, not contemplated by the Organic Act, in that it has provided for a Board of Public Institutions, and assigned to it certain duties and powers. See Sections 380-381.

Among other duties and rights assigned to the Board are the care, supervision, etc. of harbors and wharves within the Territory. This appears to be in direct conflict with Section 89 of the Organic Act, which provides that: "Until further provision is made by Congress, the wharves and landings constructed or controlled by the Republic of Hawaii on any sea-coast, bay, roadstead, or harbor shall remain under the control of the Government of the Territory of Hawaii."

The term "Government of the Territory of Hawaii" must refer to the Government as instituted by Congress, and not to any modified form of Government established by the Territorial Legislature.

The creation by the Legislature of the Board of Public Institutions, and assigning to it duties and responsibilities which modifies the Government of the Territory, in an Act Creating County Government was not sound legislation, being a subject for an independent and distinct Act.

Section 45 of the Organic Act provides: "That each law shall embrace but one subject, which shall be expressed in its title." The Board of Public Institutions is no part or feature of County Government, but is given powers of Government and control over Territorial domain and Territorial funds.

This action on the part of the Legislature threatens the validity of the whole County Act, and in any case, makes the constitution of the Board of Public Institutions, illegal. The County Act transfers to the County Officials all existing water works, wherever situated, electric lights and plants and the sewers. This, I maintain, is in contravention of Section 91 of the Organic Act, which provides:

"That the public property ceded and transferred to the United States by the Republic of Hawaii under the Joint Resolution of Annexation, shall be and remain in the possession, use and control of the Government of the Territory of Hawaii, and shall be maintained."

(Continued on Page 7.)

SALONICA SEES FIGHTS, ARRESTS AND EXECUTIONS

Germany's Interests in Africa Strengthened by the Kaiser's Visit With the Pope.

Another Landslide at Frank, N. W. T.—Stanford's Mortality From Typhoid—King Edward to Make Further Visits in Royal Capitals.

(ASSOCIATED PRESS CABLEGRAMS.)

SALONICA, May 4.—Disorders throughout the province are growing. Skirmishes with Bulgarian troops occur daily. Many have been killed and numerous arrests and executions have occurred.

Stanford's Sixth Death.

PALO ALTO, May 4.—The sixth death at Stanford University from typhoid fever has occurred. There are several additional cases.

Germany and the Pope.

ROME, May 4.—It is alleged that the Emperor William's visit has strengthened the relations between Germany and the Pope to the benefit of German colonization in Africa.

Another Landslide.

FRANK, N. W. T., May 4.—An immense landslide occurred today and the town is deserted by everyone except the police and government engineers.

Silver for Philippines.

WASHINGTON, May 4.—The government today made a large purchase of silver for the Philippine coinage.

Daughter to Princess Louise.

LINDAU, May 4.—The Princess Louise of Saxony was today delivered of a daughter.

Making the Royal Rounds.

COPENHAGEN, May 4.—King Edward will visit St. Petersburg in July and Berlin and Copenhagen later.

VASQUEZ GOVERNMENT FALLS IN SAN DOMINGO

PORT AU PRINCE, Hayti, May 4.—The Vasquez government in San Domingo has fallen. The rebels control the whole country and General Wos Gil is in charge as President of the provisional government. Ex-President Jimenez, who was banished from the country, is returning, and it is said that he will be made President.

General Horatio Vasquez, the treacherous Dominican leader who wrenched the presidency from President Jimenez by revolution, must in turn give way to other revolutionists. He assumed the duties of President of the republic of San Domingo last June, after waging a hard contest against Jimenez. General Vasquez is forty-three years of age. He secured his military title in several civil wars waged spasmodically in the island and was a refugee in New York during the administration of Heureaux. Heureaux had banished him from the country. It is alleged that he returned just in time to assist in the assassination of Heureaux. When Jimenez formed the new government Vasquez became vice-president.

It was upon General Vasquez's initiative that the movement to overthrow Jimenez began. For his part in the war, particularly in securing at that time the capitulation of San Domingo, he became President. He was very popular with the foreign element in the country but not at all popular with his own people and General Peppin, a friend of the assassinated Heureaux, with General Wos Gil and other friends of the late General, immediately started another revolution against Vasquez. The fighting has now been going on for some months and in almost every encounter the rebels won. Jimenez ran a junta in New York that gave them powerful aid in the way of supplying arms and ammunition. General Peppin and killed in battle. Wos Gil then assumed the government in the capital was elected president but as Jimenez is now on his way back to San Domingo Gil will either have to give way to the ex-President and accept a minor position or go into another revolution.



PRESIDENT VASQUEZ.

YESTERDAY ON THE BIG ISLAND.

[Special by Wireless Telegraph.]

HILO, May 4.—The ship Falls of Clyde arrived last night at eleven o'clock with ten passengers and a full cargo.

A Japanese child fell into the flume at eleven miles and was drowned.

The steamer Mauna Loa arrived at Kailua about four hours late.